

1899-041
Lee Co.

Chancery Causes: John R. West vs. C. E. Cheek &c

Kinser

CA-Debt
T-Property

Virginia,

In the Circuit Court of Lee County.

To the Hon. W. T. Miller, Judge of said Court:--

-----Humbly complaining, your orator, John R. West, would respectfully represent and shew unto your Honor, that on the 3th day of July 1893, he obtained before H. C. Jocelyn, a Justice of the Peace of said county, a judgement against C. E. Cheek of the said county, for \$36.58, with interest thereon from September 24th 1892, 'till paid and ~~seventy~~ ^{fifty} five cents costs; on which said judgement a writ of fieri facias was duly issued and returned with the following return thereon, to-wit: "

-----";
that his said judgement was on the ____ day of _____ 13____, duly docketed in the office of the ~~xxx~~ Clerk of the County Court of said County---a copy of said judgement, execution and return and docketing is herewith filed as part hereof marked " A " B " and " C " respectively. Your orator will further represent and shew unto you Honor that the said C. E. Cheek was at the date of the rendition and docketing of the said judgement, and up to the 22~~nd~~nd day of October 1897, seized and possessed of a certian tract or parcel of land lying and being in said county containing 33 1/2 acres, and about 2 1/2 miles East from Jonesville, Virginia, and on the North side of Powell's River, and which ~~xx~~ ~~xxxx~~ tract or parcel of land ^{on said day} the said C. E. Cheek and wife conveyed by deed to J. C. Kinser. For a more particular description of said land reference is here made to said deed a copy of which is herewith filed as part hereof marked " D." Now, your orator is advised that his said judgement, no part of which has been paid, except the sum of \$10.00 on the ____ day of _____ 13____, is a valid and subsisting lien on the said tract or parcel of land. The object therefore of this bill is to subject the said tract or parcel of land to the payment of your orator's said judgement and the costs of this suit, and to subject the same to sale for that purpose, as the rents and profits thereof will not pay the same within five years--and there are no other liens ~~against~~ against said land. Your orator's prayer thereofre is that the said C.

B. Cheek and J. C. Kinser be made the parties defendant to this bill and answer the same, but not on oath that being waived, and on a hearing the relief above prayed for be granted, and all such other further and general relief be granted as may be proper in the premises. May process issue, directed, etc., and your orator will ever pray, etc.

Orator

P. C.

Pleffs Costs

Clerk 6.29
 Tax 1.50
 Shff 1.50
 atty 5.00
 Estimated \$14.29
 Noor Decree 36
\$14.65-

¹⁰⁷³
 Jahri R. West
 vs Bill in Chy.

C. E. Cheek et als.

1898 2nd Feby rules Spas.
 Executed Decree Nisi
 1st March rules taken
 the last manday in
 Feby D. N. Confirmed.
 Cause set for hearing
 1898 June Term Court
 " Noor Term Court
 1899 Mar " "
 " Noor Term Decree
 final Order Book
 No 6 Page 300

Pleffs Costs

Clerk 6.65-
 Tax 1.50
 Shff 1.50
 atty 5.00
\$14.65-

1899 Noor Term Decree
 final Ord Book No 6
 Page 300

John R West

Plaintiff

against

C. E. Cheek et als Defendants

In chancery

On the calling of this cause it was admitted by plaintiffs counsel that the debt sued on and costs had been fully paid. The cause is therefore dismissed and stricken from the docket.

John R West
vs { Decree final
C. O. Check et als.

Entered on Chancery
Order Book No 6
Page 300

Enter this decree
Hawthorn
Nov 11th 1899.

John R. West, Plaintiff-
vs. J In Chancery.

C. E. Cheek, et al., Defendants.
#

This cause came on this day to be heard upon the bill of the plaintiff, exhibit filed therewith, process duly executed on Defendants, and was argued by Counsel. On consideration whereof and said Defendants failing to appear said bill is taken for confessed against them, and it is adjudged, ordered & decreed that the plaintiff, John R. West, recover against the Defendant, C. E. Cheek, the sum of \$37.08, with interest on \$36.58 from Sept. 24, 1892, until paid, subject to the following credits, to-wit: \$10.00 paid on the 23rd day of October 1895, and \$30.00 paid April 9, 1898, — and the costs of this suit. And it is hereby adjudged & decreed that the above recovery is a lien upon the land in plaintiff's bill mentioned & described, & sold & conveyed by said C. E. Cheek & wife to Defendant J. C. Hinzen. And it is further adjudged, ordered & decreed that

unless the debt & costs hereinbefore
decreed the plaintiff be paid within
30 days from the adjournment of
this Court, then George M. Blankenship,
who is hereby appointed a Com-
missioner for the purpose, will pro-
ceed to sell said land, or so much
thereof as may be necessary to satisfy
this decree, at the front door of the
Court House of this County, on
some Court day, to the highest &
best bidder, on a credit of one
& two years time, except so much
as may be necessary to pay the costs
of this suit & expense of sale he will
require to be paid in hand, & for the
residue said Commissioner will
take bonds, with good security, payable
to himself, bearing interest from
date, & waiving the homestead ex-
emption; but before selling said
Commissioner will advertise the
time, terms & place of sale for at
least 30 days by written or printed
notices posted at the front door of
the Court House of this County & in
the vicinity of said land, & he will

execute bond before the Clerk of this
Court in the penalty of \$100.00
Conditioned according to law, & re-
port his action hereunder to some
future term of this Court.

And the Cause is continued.

#1.

John R. West—

vs. } In Chancery.

L. E. Cheek, et al.

Decree Directing
Sale.

Ex. COS. No 6 p. 266.

Enter this Decree—

W. J. M.

March 9, 1899.

John R. West

Against

Charles E. Cheek

On the 8th day of July 1893.

(In Debt) Jonesville in said County,

At

JUDGMENT, That the Plaintiff recover of the Defendant \$ 36.⁵⁸ with interest thereon from the 24th day of Sept 1892 until paid, and \$ 50 for costs.

H. C. Foslyn J. P.

VIRGINIA—Lee County, To-wit: To C. E. Flanagan Sheriff of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of

C. E. Cheek, in your county, you cause to be made the sum of \$ 36.⁵⁸

with interest thereon from the 24th day of Sept 1892 till paid, which

John R. West has recovered before me in a

warrant in debt, and also the sum of \$ 50 which were adjudged to

he said John R. West for costs in prosecuting said warrant.

Given under my hand the 8th day of July 1893,

A. Copy Test.

H. C. Foslyn J. P. }

H. C. Foslyn J. P.

Honorable Wined,

cr \$10⁰⁰ Say Oct 23rd 1895.
" 30⁰⁰ April 9th 1898.

J. N. West

3⁰⁰.

C. E. Chubb

Copied of Budget

A

LAND SALE!

John R. West, Plaintiff
vs.
B. F. Cheek et al. Defts.

IN CHANCERY.

Pursuant to a decree rendered by the Circuit Court of Lee County, Virginia, at the... *March*... term, 189*9*..., in the above styled cause, the undersigned will, at public outcry, at the front door of the Court-house of said county, on the first day of the *May*... term, 189*9*..., of the County Court of said county, proceed to sell, to the highest and best bidder, on a credit of... *One and two years*... time, except so much as may be necessary to pay the cost of suit and expense of sale (which are required to be paid in hand), the following described property:... *A Certain tract or parcel of land lying and being in Lee County, Va., containing 30 1/2 acres about 2 1/2 miles East of Jonesville, and on the North side of Powell's River, or so much thereof as may be necessary to satisfy this decree.*

For a more particular description of the foregoing property reference is here made to

The title papers of B. F. Cheek + the deed from said Cheek + wife to J. C. Kinger of record in Clerk's office of the County Court of Lee Co. Va.

Bonds with good and approved personal security will be required of the purchaser for the deferred payments. This the... *15*... day of... *April*..., 189*9*...

George H. Baskin Commissioner.

The bond required by law has been given,

A. B. Munsey Clerk.

West vs. Cheek
 From an Surg.
 Dismissed Oct
 23rd 1895

vs Cheek.
 \$36.58 Sept 24/92
 18 1/2
 292.64
 365.8
 18.29
 6.76 173
 158
 7.26
 36.58
 43.84
 10.00 cr Oct 23rd 1895.
 33.84
 143 3/4
 135.36
 338.4
 16.92
 8.46
 4.99 14
 33.84
 38.83
 19.29 costs of Sub. Chy.
 58.12
 30.00 cr Apr 9th 1898.
 28.12
 6 1/2
 168.72
 14.06
 182.78
 28.12
 29.94
 58.12
 29.95 - due from Cheek.
 Entire Pr & Int due West.
 Has been paid \$45.19
 Got due time \$15.00
 \$30.19

costs
 19.29
 1.58
 19.79

costs of Sub. Chy.
 58.12
 30.00 cr Apr 9th 1898.
 28.12
 6 1/2
 168.72
 14.06
 182.78
 28.12
 29.94
 58.12
 29.95 - due from Cheek.
 Entire Pr & Int due West.
 Has been paid \$45.19
 Got due time \$15.00
 \$30.19

May 15th 1899. \$45.19
 \$29.95 - due from Cheek.
 Entire Pr & Int due West.
 Has been paid \$45.19
 Got due time \$15.00
 \$30.19
 Check sent May 29/99 for \$30.00

Orr & Blankenship,

ATTORNEYS AND COUNSELORS AT LAW,

JAMES W. ORR.
GEORGE W. BLANKENSHIP.

Jonesville, Virginia,

*West
1st
Co. 1st
Cavalry*

Southwest Virginian, {
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon

C. E. Cheek & J. C. Kinser

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof. at the
Rules to be holden for said court. on the *3rd* Monday in *February* 1898, to answer
a bill in Chancery, exhibited against *them* in our court by *John*

R West

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court. at the court-house, the *9th* day of

February

1898

,

and in the 12

2nd

year of the Commonwealth.

A B. Munsey

Clerk.

A copy—Teste:

Clerk.

John R. West

vs. { SUBPCENA
IN CHANCERY.

C. E. Cheek et al

Ort & B

P. Q.

TO

2nd Feby

Rul s. 1898

CIRCUIT COURT

Executed in part
Feb 10th 1898 by
delivering an attested
office copy of the writ
in summons to C. E. Cheek
in Lee county

W. P. Weston

S. L. C.

Further executed
on the 11th day of
February 1898, by
delivering a true
copy hereof to
J. C. Kiuser.

Jas. M. Weston & S.
for W. P. Weston, S. L. C.